

*Judge's copy Cozzomato*

*cll*

**RECEIVED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

APR 29 2008 *new*  
**APR 29 2008**  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

James Worthem

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

**08CV2445**

**JUDGE DER-YEGHIAYAN**

**MAG. JUDGE SCHENKIER**

vs.

Case No: \_\_\_\_\_

(To be supplied by the Clerk of this Court)

EDWIN A. BURNETTE #30295

Jonathan Vongher (A.P.D.)

CAMILLE COZLOWSKI (SUPERVISOR A.P.D.)

ANN BORAN (A.P.D.)

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

**CHECK ONE ONLY:**



**COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**  
U.S. Code (state, county, or municipal defendants)

**COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**  
28 SECTION 1331 U.S. Code (federal defendants)

**OTHER** (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**I. Plaintiff(s):**

- A. Name: JAMES M WORTHEN
- B. List all aliases: David Scott
- C. Prisoner identification number: 20070071905
- D. Place of present confinement: COOK COUNTY Jail
- E. Address: 2700 SOUTH CALIFORNIA, Chicago IL, 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: EDWIN A BURNETTE  
 Title: PUBLIC DEFENDER OF COOK COUNTY Illinois  
 Place of Employment: 1<sup>ST</sup> Municipal, 69 W. Washington ST, Chicago IL, 60622 <sup>1121 Floor</sup>
- B. Defendant: JONATHAN VONGHER  
 Title: Assistant Public Defender  
 Place of Employment: 5600 Old Orchard Road, Skokie IL, 60077
- C. Defendant: Camille Kozlowski  
 Title: SUPERVISOR OF A.P.D. in Skokie  
 Place of Employment: 5600 Old Orchard Road, Skokie IL, 60077

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D) Ms. ANN BORAN  
 Assistant Public Defender  
 5600 Old Orchard Road, Skokie IL, 60077

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JAMES M. WORTHEN V. Deputy Boyle case # 07-C-6589
- B. Approximate date of filing lawsuit: 11/21/07
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JAMES M. WORTHEN (AKA) David Scott
- D. List all defendants: Sheriff's Deputy/Bailiff MR. Boyle
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: Honorable Judge Leinenweber
- G. Basic claim made: Excessive force / assault
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): MOTION to leave of file in forma pauperis IS Granted
- I. Approximate date of disposition: 2/4/08

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

- A. JAMES M WORTHEN V. TOM DART, ETC. #07C-6687
- B. 11/28/07
- C. JAMES WORTHEN (AKA) David Scott
- D. DR. Ting, DR. Carasquillo, Paramedic Douglas, Chief Wright, DZR Godinez, Sheriff Tom Dart.
- E. NORTHERN DISTRICT OF ILLINOIS
- F. Honorable Judge Leinenweber
- G. Health and Safety Violations/Red spots
- H. Granted in leave of forma pauperis
- I. ?

## III - continued

- A. JAMES WORTHEN V. Jennifer Hall etc. Case # 07 C-7255
- B. 12/27/07
- C. JAMES WORTHEN (AKA) David Scott
- D. Michael Moore, Jennifer Hall, U.S. ATTORNEY General, and U.S. Attorney
- E. NORTHERN DISTRICT OF ILLINOIS
- F. Honorable Judge JAMES B. Zage
- G. Deliberate indifference, Gross negligence Bivens, Const. Amend 8 and 14th.
- H. Granted in leave of forma pauperis
- I. ?

## III - continued

- A. JAMES M WORTHEN V. TOM DART, chief of police for CID, Godinez #08 C 1210
- B. 2/28/08
- C. JAMES WORTHEN (AKA) David Scott
- D. Tom Dart, Salvador Godinez, and Dana Starks.
- E. NORTHERN DISTRICT OF ILLINOIS
- F. Honorable Judge Leinenweber
- G. Posting Notice of Rights
- H. Dismissed/Terminated.
- I. 3/5/08

## III continued.

- A. JAMES WORTHEN V. TOM DART ETC.
- B. 3/5/08
- C. JAMES WORTHEN (AKA) David Scott
- D. TOM DART and Director Salvador Godinez
- E. NORTHERN DISTRICT OF ILLINOIS
- F. Honorable Judge Leinenweber
- G. Extortion and Racketeering.
- H. Still pending
- I. ?

## III. continued

- A. JAMES WORTHEN V. Venkatta Nataam
- B. APRIL 1 / 2008
- C. JAMES WORTHEN (AKA) David Scott
- D. Venkatta Nataam
- E. NORTHERN DISTRICT OF ILLINOIS
- F. Honorable Judge Joan H. Lefkowitz
- G. Civil Rights, physical injuries
- H. Still pending.
- I. ?

(1)

**IV. Statement of Claim:**

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

(**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.**)  
ON APRIL 23<sup>RD</sup> OF 2007, I WAS CHARGED FOR THE ALLEGED CRIME OF ROBBERY, ON MAY 28<sup>TH</sup> OF 2007, I WAS ARRAIGNED AND APPOINTED THE REPRESENTATION OF THE PUBLIC DEFENDERS OFFICE AT SKOKIE "NAMELY AN "MR. JONATHAN VINGER" OF WHOM INTRODUCED HIMSELF AS FIRST OFFERING ME A 8 YEAR PLEA BARGAIN BEFORE GIVING ME HIS NAME, I IMMEDIATELY REJECTED THAT OFFER AND PROFESSED MY TOTAL INNOCENCE TO THIS ASSISTANT PUBLIC DEFENDER SINCE THE VERY FIRST MEETING, I MADE A PLEA BEFORE THE COURT OF A "NOT GUILTY" AND THE FOLLOWING DATES ARE THE COURT DATES IVE HAD SINCE MY ILLEGAL ARREST ON 4/23/07, 4/30/07, 5/28/07, 6/19/07, 7/27/07, 8/3/07, 9/10/07, 9/26/07, 10/12/07, 11/5/07, 11/30/07, 1/22/08, 2/4/08, \*3/10/08 AND \*4/10/08. ON 4/30/07, I HAD AN PRELIMINARY HEARING AT WHICH THE SOLE VICTIM ON THIS CASE COULD NOT PICK ME OUT UNTIL THE 3<sup>RD</sup> TIME AT WHICH WAS ONLY DUE TO THE STATES POINTING AT MY DIRECTION DID THE VICTIM THEN POINT ME OUT AND STATED ON RECORD THAT SHE COULD NOT RECOGNIZE ME DUE TO DIFFERANT CLOTHES. THE JUDGE FOUND PROBABLE CAUSE, ON 5/28/07 I TOLD

(2)

P.D. John Vaughan of that illegal Discrepancy at the preliminary hearing but he refused to listen to reason and of my innocence at every instance and brief Meeting. on \*6/19/07, I was in Z.D.O.C. completing the remainder of My Parole but was taken to court on this day from the Stateville C.C. I again pleaded with My P.D. and I also told him if he could please help Me to keep me safe and secure due to my life being in grave Danger because of my working with F.B.I. Agents prior to my being locked up on 4/23/07, P.D. was given the full names and phone numbers to My F.B.I. contacts but he never investigated My pleas for Life and protection. I also let Z.D.O.C. know of those Dangers as well but was ignored also by them. on 7/25/07 I was viciously Attacked by 2 inmates as I was cuffed and shackled and they were cuffed in front of them and used their cuffs as weapons to hit me all about the head, back, face and ear, I received 5 stitches in left ear along with contusions about the head and face area, All because of my working with F.B.I. officials on the outside and the P.D. knew about the Dangers that I faced but yet neglected to protect the safety and well being of the Defendant he chose to represent. I came to court on 7/27/07 with stitches

in my left ear and bumps and bruises all about the face area, I told P.D. of what had happened and he only responded that he had left a message on my F.B.I. contacts phone but there was nothing he can do, I always seen P.D. speaking to my common law wife "Annette Garcia" of whom was locked up for a D.U.I. but within the same court room as I, this P.D. constantly instructed my wife to convince me not to take my charge to trial as I would lose, and I repeatedly told this P.D. not too bother my wife about my wanting trial, this P.D. told me that he would not represent me if I chose a Jury trial due to my having tattoos and my previous record would surely have the Jury convict me and that it would be better to take a bench trial. I instructed the P.D. to stay away from "Annette Garcia" because she was originally charged for the assault on the victim on my case but C.P.D. let her go later due to absolutely no probable cause, but C.P.D. was claiming that Annette gave them my name that provided them with the "probable cause", so in all reality, Annette may have been a witness for the state but P.D. Jon Vagher was trying to play both sides. At every single court date, MR PD Vagher tried to get me to take a plea bargain for time so that the state can get a conviction, never talked trial strategy with me at all. 6 1/2 months into the case and after many complaints, I was sent a 9x12 manilla envelope that read "Reading Material" not legal or privileged mail by my Attorney P.D. as somebody with money would enjoy from their lawyer, it was a copy of the preliminary hearing transcript and the "Information"



At which should of been given to me at the arraignment on 5/28/07 but wasn't. The package was opened by C.C.J. mail room because there was no attorney/client privilege by the P.D. office. on 8/31/07, I found that my police report stated that probable cause was found 1 hour and 18 minutes after my arrest which was highly illegal, I printed this out to P.D. and he quickly ended our meeting and I personally viewed P.D. and Judge John J. Moran go into Judges chambers and speak about what I had just revealed to him. on 7/27/07 I made a prima facie case showing in court of my being arrested illegally without any probable cause nor any search or arrest warrants and the Judge took that as a bona-fide and ordered a P.C.X. and cause I was at the time in receipt of psych drugs at which again was not a reason for that P.C.X. examination. The P.D. allowed it to go without a single "objection". I also demanded a trial at court and on record on 7/27/07. on 9/10/07 I again told P.D. that on 9/21/07 I was completing my parole time and would be sent back to C.C.J. to fight this case and he assured me that he / the F.B.I. would make sure they put me in a safer environment but that never happened, my life became in danger again and was threatened to get stabbed up in Div S 2-D on 10/5/07 and I let the officers know and chief Wright and I myself signed into P.C. on 10/6/07. Also on 9/10/07, the Judge gave a Court Date of 9/24/07 and I told Judge that would fall on a Saturday so he gave the Date of 9/26/07 and I objected to that Date and any other court Date because I should be at home and the P.D. was not at all working on my best interest. This P.D. was very indifferent and highly prejudicial towards my person and very ineffective and in complete violation of my 6<sup>th</sup> Amendment Right at effective assistance of Counsel as that enjoyed by someone with money, also my 14<sup>th</sup> Amend at Due process and equal protections are violated.



As there should of been no reason why the p.d. not of  
looked further into my innocence or for him to file timely notice  
on my speedy trial right violations such as A Motion to Dismiss.  
on 9/10/07, p.d. told me that the probable cause that was overlooked  
by he and the state of which he would not show me nor would  
he allow me to view any part of the Discovery, he stated  
that probable cause was that C.P.D. showed the victim my  
photo off of the computer along with 5 other Males and that  
Annette Garcia gave C.P.D. My name when it was all fabricated,  
I instructed P.D. Vaughn to obtain these photos and to have  
Annette come to court on My behalf because all this was a  
huge lie, scandal and complete cover up. I have signed  
affidavits by Annette Garcia and letters written to me that  
all that C.P.D. stated are not true, My wife was given a bar  
association attorney for her D.U.I. and given 1 year on a  
plea bargain so as to discredit her from testifying on my  
behalf and the officer who locked her up was later found  
on the news to have illegally written over 100 tickets but  
My wife has still not been given that opportunity to have her  
sentence and parole vacated due to lack of money for a  
lawyer. on 11/5/07, the Judge asked the state about the  
probable cause in my case and state replied that the C.P.D.  
wouldnt hand em over yet, on 11/30/07 the p.d. and the  
supervisor "camile corlowski" spoke to me about if I  
would take a plea of a 2 year sentence, I stated "no"  
I want to go home to my wife and kids and I only  
want effective assistance of counsel. I demanded trial  
and the p.d. went into court room and told Judge  
I Demand trial and it was set for 1/22/08, to first  
make a motion to Quash arrest, suppress evidence and so on  
on 10/13/07, I myself sent Motions to the state

(16)

Case 1:08-cv-02445 Document 1 Filed 04/29/2008 Page 10 of 26

Circuit clerk but was never put on the record for hearing, I know they received them because P.D. John Vongher showed me one that I sent on purpose "collateral estoppel." I also sent duplicate copies to the state, those motions were "Appointment of counsel other than the P.D. office, Dismissal on Speedy trial grounds, Discovery, and Quash arrest suppress evidence. They all deny their existence. P.D. Camile Coziowski told me over the phone in Div 9-3-H at 3:45 pm on 3/6/08 that the Judge was aware of my motions and that they were all looked at and Dismissed/Ignored without my presence and that the Judge would never let me object to anything on the record and in his court room, the phone record should be subpoenaed for this day for truth in my allegation. I also filed 2 complaints against this P.D. John for ineffectiveness and A.R.D.C. told me to voice my concern with the Judge and when I tried, the Judge prejudicially told me that I have the best P.D. in the court room and would not hear me out. The P.D. John Vongher sent Annette Garcia a subpoena to come to court but called her over the phone and told her not to come because her credibility was no good now that she was on parole and for her not to come to court or she would be in trouble. This is so outrageous of a conduct by the Public Defender. At trial, this P.D. allowed the witnesses to take the stand and talk about those photos on computer that allegedly provided probable cause but those photos were never shown because the C.P.D. and state have supposedly "destroyed" that sole evidence of probable cause and P.D. allowed it all to happen, I could not "object" at trial because the Judge had "Bailliff Boyle" within 15 feet of my person to threaten and keep me in the danger zone as my first Amendment Rights at Freedom of Speech were violated on 9/26/07 by this Bailliff Beating/Assaulting me both inside and outside the court room and P.D. never put an order of protection on me against the Deputy Wrong doer and Judge allowed bailliff to remain

Within his courtroom and never Admonished Bailiff for what he  
Done to me, I was sent to an outside hospital on 9/26/07 where  
I suffered Multiple contusions to My head, face, and back and  
this was the same Day that "P.D. John Vagher" said  
he was not representing me anymore and asked what I wanted  
him to do with the Discovery, I told P.D. John to put it  
in court, I would go pro-se and tell Judge when I got  
out there but while Attempting My 1<sup>st</sup> Amend Right, I  
was severely punished and the P.D. who was next to  
me at this time and mysteriously Disappeared after this  
was "Ann Boran" of the Public Defenders office. Next  
time I appeared at court on 10/12/07, John Vagher was  
again representing me and I did not want the services of  
the P.D. office. I even told P.D. John Vagher that on  
10/12/07 the court Room Bailiff told me that if I did  
not Drop the I-A investigation on him that the Judge  
would find me guilty since they were friends. This  
P.D. only stated there was nothing he can do. So now  
on 2/4/08, The Judge finds me guilty "illegally" and  
The P.D.'s office stops taking my collect calls all to-  
gether because I am upset and I tell them that their  
Wrong in how they treated and represented me through-  
out the whole ordeal and the supervisor states that on  
3/10/08, on sentencing, the P.D. would withdraw off of  
my case. So I began filing all my own Motions but  
in the circuit court at 26<sup>th</sup> and California because the  
Skokie court house has a conspiracy Ring going on. All  
of my timely Motions were filed and I am now pro-  
se and the State and the Judge continue to give me  
continuances to hear my Motions, I should of been at  
home along time ago. The P.D. office is in extreme  
violation of My 6<sup>th</sup> Amend Right at effective assistance  
of counsel and 14<sup>th</sup> Amend at Due Process equal pro-  
tections and 8<sup>th</sup> at cruel and unusual punishments and  
are guilty of Gross negligent, Recklessness and Deliberate indif.

**V. Relief:**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'd ask/request that the court Make a ruling in my favor for the malicious actions by the P.D. Office and for an extreme violation of A serious 6th and 14th Amendment, I have suffered both mentally and physically and Deserved to be treated as a Human being. I'm asking for Punitive and compensatory Damages in the Amount of \$35 Million Dollars and an Apology, I should of been at home by now. THANK YOU

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

**CERTIFICATION**

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 16<sup>TH</sup> day of April, 2008

James M. Worthem

(Signature of plaintiff or plaintiffs)

James M. Worthem

(Print name)

2007-0071905

(I.D. Number)

James M. Worthem

P.O. Box 089002

Chicago IL, 60608

(Address)

COPY

ALL OF THESE MOTIONS I FILED  
ALL ON MY OWN YOUR HONORABLE  
MOTION AND IS TO BE HEARD ON 5/8/08

	Date Filed	Proceed
1 Complaint for Prelim Exam	3/2/2008	Yes please
2 * Motion For New Trial - P.D.-filed -	3/4/2008	Yes please
3 Post Trial Motion	2/29/2008	* NO Thanks
4 Motion For Re-Trial S.Ct. 615	2/29/2008	Yes please
5 * Affidavit of James Worthen and Copies of Post-Trial Motion and Motion for Re-Trial	2/25/2008	Yes please
6 * Affidavit of James Worthen and Motion to Dismiss, Motion For ABA Association Attorney, and Motion for Arrest of Judgment		Yes please
7 * On 07/27/07 I Personally Demanded Trial		Not Recored Reflect

8 *	Motion To Dismiss	2/29/2008	yes please
9	Javier Flores	2/29/2008	*NO Thanks
10	Affidavit of James Worthem	2/29/2008	yes please
11 *	Motion for Discovery	2/29/2008	yes please
12	Order	2/29/2008	* No Thanks
13 *	Motion For ABA Attorney	2/29/2008	yes please
14 *	Motion For Judicial Notice	2/28/2008	yes please
15 *	Motion For Arrest of Judgment	2/28/2008	yes please

- |     |  |           |            |
|-----|--|-----------|------------|
| 16  | * Motion For Stay Pending New Trial                          | 2/29/2008 | Yes Please |
| 17  | * Independent Police Review Auth Statement of Annette Garcia | 3/7/2008  | Yes Please |
| 18  | Circuit Clerk of Cook County Dated 02/26/08                  | 3/7/2008  | I'm aware  |
| 19  | * Affidavit of Annette Garcia                                | 3/10/2008 | Yes Please |
| 20  | Motion to amend or alter the judgement                       |           | Yes Please |
| 21  | * Motion for post verdict/judgment of acquittal              |           | Yes Please |
| 22  | Motion for relief from the judgement                         |           | Yes Please |
| 23  | Motion for summary judgement                                 |           | Yes Please |
| 24  | State's attorney/diane                                       |           | *No Thanks |
| 25  | Habeas corpus  |           | Yes Please |
| 26) | Motion that demands statements/reports-witnesses             |           | Yes Please |
| 27) | Motion for sanctions 7027                                    |           | Yes Please |
| 28) | Motion for objections  |           | Yes Please |



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

MAR 04 2008

**DOROTHY BROWN**  
CLERK OF CIRCUIT COURT

IN THE CIRCUIT COURT OF COOK COUNTY  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
-vs- )  
 )  
JAMES WORTHEM )

No. 07CR 9711

MOTION FOR NEW TRIAL

Now comes the defendant, JAMES WORTHEM, by his attorney, EDWIN A. BURNETTE, Public Defender of Cook County, through JONATHAN VONGHER, Assistant Public Defender, after a finding of guilty and before sentencing and respectfully moves this Honorable Court to set aside the finding of guilty in the above-entitled cause and grant him a new trial, without prejudice to or waiving the later discovery of error in the trial record.

IN SUPPORT THEREOF, defendant states:

1. The State failed to prove the defendant guilty of the charge beyond a reasonable doubt.
2. The finding is against the weight of the evidence. The Court did not consider the defendant's testimony that he did not do the crime.
3. The defendant was denied due process of law. The Court should have excluded from its consideration all evidence obtained against the defendant after he was arrested without probable cause.
4. The defendant was denied equal protection of the laws.

5. The State failed to prove every material allegation of the offense beyond a reasonable doubt.

6. The defendant did not receive a fair and impartial trial as guaranteed him under Article I, Sections 2,6,8 and 10 of the Constitution of the State of Illinois and under the Fourteenth Amendment to the Constitution of the United States.

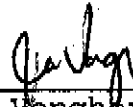
7. The Court erred in overruling the defendant's motion for a directed finding at the close of the State's case.

8. The finding is based upon evidentiary facts which do not exclude every reasonable hypothesis consistent with the innocence of the defendant.

**WHEREFORE**, for the various reasons urged before and during the trial and every error as may appear from the official transcript of proceedings, defendant requests a new trial.

Respectfully submitted,

EDWIN A. BURNETTE, #30295  
Public Defender of Cook County

BY:   
Jonathan Wongher  
Assistant Public Defender

The P.D. John Wongher only submitted this Motion because he was informed of all the motions I myself filed within the courts right after being found guilty (illegally) which was on 2/14/08 and my motions were filed on 2/29/08. This Motion was filed exactly 30 days of my guilty verdict and P.D. asked Judge if it would be okay to incorporate his Motion with mine before his withdrawal off my case. I am now P.D. - 88.



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, IL 60601-6219  
(312) 565-2600 (800) 826-8625  
Fax (312) 565-2320

One North Old Capitol Plaza, Suite 333  
Springfield, IL 62701  
(217) 522-6838 (800) 252-8048  
Fax (217) 522-2417

James M. Worthem a/k/a David Scott  
20070071905  
P. O. Box 089002  
Chicago, IL 60608

Chicago  
October 29, 2007

Re: Jonathan Edward Vongher  
in relation to  
James M. Worthem  
No. 07 CI 4898

Dear Mr. Worthem:

We have received your letter of complaint regarding Jonathan E. Vongher.

Initially, as you may know, the duties of this Commission relate primarily to investigating and prosecuting allegations of professional misconduct against lawyers. When we have enough evidence of misconduct by an attorney, we may try to cause the lawyer to be disbarred or suspended from the practice of law. This process may take years to be concluded. We cannot provide you with any legal advice or assistance and cannot intervene in your legal matters in any way. We are also unable to assist you in efforts to secure a different attorney.

Your complaints regarding Mr. Vongher relate to his competence and effectiveness as your defense counsel. Allegations of ineffective assistance of counsel are appropriately addressed and resolved in court through motions, appeals or petitions for post-conviction relief. Therefore, as a general policy, this Commission will not consider such allegations unless a court has first found that the attorney was ineffective.

If you have not already done so, you may wish to raise your concerns about Mr. Vongher's representation in court. If, in the future, any court finds that the attorney failed to represent you effectively, we invite you to send us a copy of the court's decision. At that time, we will determine whether further action by this office may be warranted. Until such time, we will take no further action in the matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Althea K. Welsh".

Althea K. Welsh  
Senior Counsel

AKW:ck  
MAINLIB\_#277120\_v1



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, IL 60601-6219  
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Fax (312) 565-2320

One North Old Capitol Plaza, Suite 333  
Springfield, IL 62701  
(217) 522-6838 (800) 252-8048  
Fax (217) 522-2417

James M. Worthem a/k/a David Scott  
20070071905  
P. O. Box 089002  
Chicago, IL 60608

Chicago  
March 20, 2008

Re: Jonathan Edward Vongher  
in relation to  
James M. Worthem  
No. 07 CI 4898

Dear Mr. Worthem:

We have received your recent letter.

Again, it is important that you understand that this office cannot provide you with any legal advice or assistance and cannot intervene in your legal matters in any way. Our duties relate primarily to investigating and prosecuting allegations of professional misconduct against lawyers. When we have enough evidence of misconduct by an attorney, we may try to cause the lawyer to be disbarred or suspended from the practice of law. This process may take years to be concluded. No action we could take would help you with your case at this time.

Additionally, your complaints regarding Mr. Vongher relate to his effectiveness as your defense counsel. As we advised you in previous correspondence, allegations of ineffective assistance of counsel are appropriately addressed and resolved in court through motions, appeals or petitions for post-conviction relief. Therefore, as a general policy, this Commission will not consider such allegations unless a court has first found that the attorney was ineffective.

If, in the future, any court finds that Mr. Vongher failed to represent you effectively, we invite you to send us a copy of the court's decision. At that time, we will determine whether further action by this office may be warranted. Until such time, we will take no further action in the matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Althea K. Welsh".

Althea K. Welsh  
Senior Counsel

AFFIDAVIT OF AFFIRMATION UNDER PENALTY OF PERJURY.

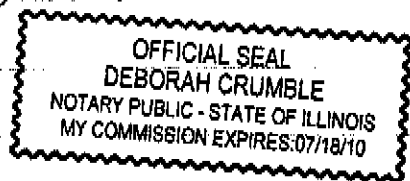
I, ANNETTE GARCIA, witness on behalf of James M. NORTHEM # 07CR09711 Do hereby declare and affirm under penalty of perjury as defined in "725 ZLCS 5/1-109 that Everything Contained herein is true and accurate to the best of My Knowledge and belief. I further declare and affirm that the contents of the foregoing document(s) are known to me And are accurate to the best of My Knowledge and belief. Finally I Do Declare and affirm that the Matter at hand is not taken either frivolously OR MALICIOUSLY and THAT I believe the foregoing Matter is taken in good faith.

Signed on this 27<sup>th</sup> Day of February, 2008

18/ Anette Garcia

Feb 27 2008

Deborah Crumble



D . . .

I, ANNETTE GARCIA, WAS ILLEGALLY ARRESTED AND CHARGED WITH AN ASSAULT ON AN ALLEGED VICTIM "SOLIS CONCEPCION" ON 4/22/07 AT APPROXIMATELY 7 PM. I WAS LATER RELEASED FROM THE 25<sup>TH</sup> DISTRICT POLICE STATION AT AROUND 4 AM ON 4/23/07. C.P.D. WAS WITNESSED BY ME NOT ONCE BUT TWICE BY KICKING DOWN 3 OF OUR APARTMENT DOORS AS NOBODY WAS HOME. C.P.D. HAD NO SEARCH WARRANT AND TOLD ME THAT THEY DIDN'T NEED ANY SEARCH WARRANT NOR DID THEY VISUALIZE ANYBODY GOING IN OR OUT OF MY RESIDENCE AND THEY JUMPED OVER THE BACK GATE IN ORDER TO GAIN ENTRY TO BACK PORCH. C.P.D. DID NOT EVEN KNOCK AND ANNOUNCE THEIR PRESENCE, THEY DREW GUNS AND BEGAN KICKING IN MY DOORS. I NEVER GAVE C.P.D. THE NAME OF MY COMMON LAW HUSBAND, MY MOTHER JUANITA RAMIREZ CALLED MY CELL PHONE WHILE I WAS HAND CUFFED AND OFFICER ANSWERED PHONE CALL AND ASKED MY MOM WHO MY HUSBAND IS. MY MOTHER OR I HAVE EVER WITNESSED "JAMES WARTHEN" COMMIT ANY CRIMES NOR HAVE I EVER BEEN A RELIABLE SOURCE OR INFORMANT FOR C.P.D. JAMES WARTHEN WAS WORKING HARD OUT HERE AND BEING A FAMILY MAN AND TAKING RESPONSIBILITY FOR HIS FAMILY. WE ARE BOTH VICTIMS IN THIS CASE, I NEVER OPENED UP ANY GATE FOR JAMES, HE HAS HIS OWN HOUSE KEYS, WHY WOULDN'T HE, IT'S OUR PLACE AND WE PAY RENT. I WAS AND AM THE VICTIM OF THAT ILLEGAL SEARCH AND SEIZURE AND THAT'S WHY C.P.D. LET ME GO ON AN I-BOND BECAUSE THEY NEVER HAD ANY PROBABLE CAUSE TO SEARCH AND SEIZE MY PERSON IN THE FIRST PLACE. ALSO P.D. JOHN VENGHER CALLED ME OVER THE PHONE RIGHT BEFORE THE START OF TRIAL ON 1/22/08 AND TOLD ME THAT EVEN THOUGH I WAS SENT A SUBPOENA TO TESTIFY ON MR. WARTHEN'S BEHALF AS I WAS VERY MUCH WILLING TO DO THAT I'D GET INTO TROUBLE AND THAT MY CREDIBILITY WOULDN'T BE GOOD BECAUSE I WAS NOW ON PAROLE AND SINCE I'M AGRANT TOWARD THE LEGAL WORLD I GOT SCARED AND DIDN'T SHOW UP, BUT C.P.D. NEVER SHOWED ME ANY PHOTO OF MY

common law husband until after I was taken to the police station and long after the use of excessive force upon my Apt. Doors. Also take note that the same Judge John J Moran of whom found James Worthem guilty, Also had me plead guilty to an offense of D.U.I. that I was not guilty of for a 1 year I.D.O.C. sentence that was later found to be wrong on C.P.D. officers of whom was discredited and publicized on the news of illegally writing up and arresting over 100 D.U.I. tickets but nobody has yet taken away this wrongful conviction. I was sentenced to 1 year on 8/3/07, everytime I appeared before the court, P.D. John Vougher constantly told me that he would set up a meeting for James and I together if I could convince James to back off and not too take a jury trial and I even told P.D. that when the Detectives again broke down my doors, I seen them out of my back window throw something on the roof of the building, but when I asked them about that and of the reason why they again kicking down the doors that my husband had to nail shut, they then broke 2 padlocks off of a cabinet that held one private papers and they told me to shut the fuck up and that they were looking for drugs and guns. I then seen the fire dept come and get up on the roof but I still don't know what was retrieved if anything. This is my testimony and I'm willing to testify to the truth of all these and the court is wrong in finding James Worthem guilty of a crime he didn't commit and C.P.D. illegally arrested him without any arrest or search warrant and no probable cause whatsoever and the P.D. did not object to the states introduction of the witnesses testimony about some alleged pictures that provided probable cause over the internet but was destroyed and in violation of my husbands 4<sup>th</sup> and 14<sup>th</sup> Amendments. St Bonette Garcia



Judge copy

I didn't get to talk to P.D. John  
 he just ask me what did I know  
 I said nothing then he told me that  
 you wanted to take it to trial and  
 that he didn't think it was a good idea  
 That if I could convince you to back  
 off that's when he went to get you  
 3 we were supposed to talk but we  
 didn't that's all.

my attorney was a private attorney  
 that would the judge a favor so  
 since the only P.D. was  
 talking call of your case the judge  
 assigned him to mind he ask  
 if it was okay I said yes I ask  
 for a 402 site wanted to give me 3yr  
 my attorney came up with 1yr so  
 in total I did almost 6 months  
 Cook County & Deighf

By Annette Garcia  
 11/16/07